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Federal and State legislation on child labor standards and school attendance are discussed. Often these laws do not recognize the differences in educational needs between urban and rural areas. Data are presented on the degree of unemployment and on the cause of youth unemployment. Rural youth, both in their original homes and in the cities to which they migrate as they move out of agriculture, constitute an excessive proportion both of underemployed and undereducated youth. Recent and pending changes in the child labor laws are discussed. One recent change is the Migrant Health Act which will alleviate the immediate and critical health problems. Several bills have been introduced in the 88th Congress. One bill is designed to provide the states with financial assistance to improve the educational opportunities of migrant workers and their children. A second is designed to establish day-care services for children of migratory farm workers, and would authorize \$750,000 for matching grants to states to establish and operate day-care centers for migrant children. A third is designed to regulate the employment of children in agriculture. This measure would close the gap existing under Federal laws which do not regulate the employment of children when school is not in session.					
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**CHILD LABOR STANDARDS AND SCHOOL ATTENDANCE LAWS
AS THEY RELATE TO RURAL YOUTH**

by

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U. S. Department of Labor**

**U. S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE
Office of Education**

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ABSTRACT

Federal and State legislation on child labor standards and school attendance are discussed, showing the effect of urban-rural differences in such laws on the ability of the child to obtain an education.

Data are presented on the degree of unemployment and on the causes of youth unemployment as far as they are known. Rural youth, both in their original homes and in the cities to which they migrate as they move out of agriculture, constitute an excessive proportion both of underemployed and undereducated youth.

Recent and pending changes in the child labor laws are discussed.

CHILD LABOR STANDARDS AND SCHOOL ATTENDANCE LAWS

AS THEY RELATE TO RURAL YOUTH

INTRODUCTION

Interest in jobless youth is widespread, and deep concern is being expressed for finding ways to increase their employability. About 700,000 boys and girls between 16 and 21 are out of school and unable to find jobs. Their rate of unemployment is about two and one-half times that of the whole population (13 percent as compared with 5 percent). The sample data on which the total estimate of unemployment is based do not permit an accurate geographical distribution or an accurate appraisal of the socio-economic characteristics of this unemployed group. It is known, however, that Negroes have double the unemployment rate of whites, and the rate for undereducated and unmotivated youth, including drop-outs, is very high. The unemployment is concentrated in urban areas, particularly in the heavily overpopulated, low-income areas. 1/ In examining the data, however, the importance of rural youth in these unemployment figures becomes more and more strikingly apparent.

SOCIOECONOMIC CHANGES INVOLVING RURAL YOUTH

Rural youth accounts for an excessive proportion of jobless boys and girls. This is not of course because most of the unemployment is in rural areas, but rather that much of the unemployment in urban areas involves families who have moved away from farms and rural areas in response to social and economic pressures and have not been able to find (or keep) jobs in the cities.

The reasons are as complex as the composition of the unemployed group. Many Negroes, Puerto Ricans, and Mexicans have gravitated to the cities more because opportunity was lacking at home than for any positive reason. Numbers of both whites and non-whites have found jobs in industry, only to find themselves "automated out." Some of the urban jobless came from families who migrated to the cities during the depression. They have lived out their lives on the ragged edge of disaster--some are second and third generation relief clients.

Efforts to find jobs for these pocketed groups, particularly the efforts directed at placing young people in jobs, have encountered a hard core of boys and girls who are very hard to place. The one generalization that is most applicable is that they lack the basic education they need to get and hold jobs in today's world.

Some are victims of racial prejudice and discrimination, and the ramifications of discrimination are wide indeed. But beyond this these young people are also affected by drastic and far-reaching shifts in the economy that they are unprepared even to recognize, much less to adjust to quickly.

By far the greater number of farm youth today cannot expect to make an adequate living on farms. According to the Department of Agriculture, about one in ten can expect to earn a reasonable income as farmers. The long process that started generations ago with McCormick's reaper has never stopped. Any farm machinery lot today is full of cotton and corn pickers, ditch diggers, and dozens of other power appliances designed for one thing only--to cut labor costs. As farm workers are displaced, farm families are being forced off from small holdings. A successful farmer today needs between \$50,000 and \$100,000 worth of farm machinery, and many enterprises have far more. 2/ The small family farm

cannot support such an investment. The inevitable result is consolidation and a declining number of farm families. At the same time, a premium is put on better technical education, leaving at a serious disadvantage those farm youths whose educational opportunities have been inferior or who have not made full use of what was available.

These trends have meant and continue to mean an uprooting of large numbers of farm boys and girls, draining them off to the cities as their parents or they themselves move out in search of a livelihood. Upon their arrival in the cities many find themselves in an unfamiliar environment, lacking the support of family and friends, and, in general, largely unprepared for the competition of finding and keeping a job.

The situation confronting the young job seeker who has always been an urban dweller differs little in the increasing complexity of its demands for training and education. As our technology advances, fewer workers are needed to put out the same quantity of goods, and vast increases are possible with relatively few additional workers. Already the production industries are growing less rapidly than the service industries. Until the end of World War II the production industries (manufacturing, mining, agriculture, and construction) employed more workers than the service industries. By the early 1960's, however, the services, including trade, government services, transportation and public utilities, finance, insurance, and real estate, employed 25 percent more people than the production industries, and the gap was growing. 3/

Along with the shift away from the production of goods toward the production of services has come a rapidly increasing emphasis on jobs demanding higher skills. Young people have usually moved from school to an occupational ladder of some kind, usually starting near the bottom, many of them moving up as they acquired skill and experience. Today, however, as a result of improved techniques and increasing automation, the number of unskilled jobs open to beginners is declining sharply. 4/ The introduction of automatic cleaning equipment is one of the simplest examples, many others could be mentioned which are even more widespread.

These changes will continue in the foreseeable future. Between 1960 and 1970 a 40-percent increase is expected in the number of professional and technical jobs. The number of proprietors and managers, clerical and sales workers, skilled workers, and service workers will all increase by more than 20 percent. No change is expected, on the other hand, in the number of skilled workers, and farm workers will decline by nearly 20 percent. The trend, therefore, is toward the need for higher and more complex skills, requiring better and better basic education.

The labor force of the United States is highly mobile. Millions of workers change jobs every year, large numbers of them moving either to different industries or to different occupations. This ability to move from one area to another or from one kind of work minimizes the effect of technological displacement. Mobility puts a premium, however, on individual adaptability and on the possession of a good enough basic education to take advantage of the openings that occur.

Education in the United States has made great strides. The number of young people in school has grown enormously as a consequence both of population growth and the recognition of the value of education in today's world. High school

enrollments increased by 40 percent in the 1950's, and will grow by another 50 percent in the 1960's. College enrollments, which rose 40 percent in the 1950's, will increase by 70 percent in the 1970's. Consequently young workers will have more education; 70 percent of them during the 1960's will have high school diplomas, as compared to 60 percent during the 1950's. 5/

The sad fact is, however, that while more and more boys and girls are getting high school diplomas and more and more employers are demanding them as a basis for job interviews, 7.5 million boys and girls entering the labor force during the 1960's will not have completed high school, and 2.5 million of them will not even have finished grade school. 6/

Last year the Department of Labor published some figures on the amount of education reported by workers in different types of occupation. Three-fourths of all professional and technical workers have had some college education. Nearly two-thirds of all proprietors and managers have high school diplomas and some college education. Over half of the clerical and sales workers have finished high school, and more than a fifth have gone to college. These are the fields in which the major expansions will occur during the next generation.

At the other end of the scale, in the occupations where job opportunities are declining, four-fifths of all unskilled workers have less than a high school education, as do three-fourths of all farmers and farm workers. 7/

The message is clear. While a high school diploma does not guarantee its holder a job, fewer and fewer job opportunities are going to be open to those who do not have at least a 12th grade education. As the flood of young people looking for first jobs increases, the race will go more and more to those who can take advantage of whatever opportunities develop.

Although educational achievement differs sharply among young people, depending on many factors, some generalizations are possible. One of these is that boys and girls from rural areas are more likely than urban youth to suffer from inadequate education.

EDUCATION AND RURAL YOUTH

Despite improvement in the educational attainments of rural dwellers in recent years, the 1960 census showed that in farm areas young men between 14 and 24 who were no longer in school had completed an average of 10.7 grades, as compared to 12.1 grades among urban young men. 8/ The lower educational level of the farm population 14 years old and over is further demonstrated by an illiteracy rate of 4.3 percent in 1959, as compared with 1.7 percent for the urban population. 9/

Although all kinds of workers share in the rising educational level of the population, farm workers are still predominantly persons with limited education. While 29 percent of all employed males 18 and over had completed no more than 8 years of school (March 1962), the comparable figure for agricultural workers was 58 percent. 10/

These aggregates, of course, include figures from many rural areas where educational standards are high, where the proportion of youngsters who finish high school and of those who go on to college are high, and where the number of dropouts is low. But they also include figures from areas, particularly the rural South, where the general standards are lower, and where people, particularly rural Negro youth, get much less than adequate educational opportunity.

The reasons for this educational lag are complex, and need not be discussed here, beyond stating that they have nothing to do with real differences in educational needs between urban and rural areas. It is imperative for both, and for the Nation as a whole, that the lag be eliminated as rapidly as possible.

Many rural areas find it difficult to attract outside industry to fill in the gap left by shrinking farm opportunities, because the available labor force is inadequately prepared. The unemployment of substantial numbers of boys and girls in many urban slums, on the other hand, is rooted in the inadequate educational and cultural preparation of many of the in-migrants from rural areas.

CHILD LABOR LAWS

Socially one of the gravest problems in connection with the farm work force is the employment of children. While exact figures on the number of working children of various ages are not available, there can be no question that the exploitation of children is particularly undesirable, whether it occurs in factories or on farms.

Each year the United States Department of Labor's Wage and Hour investigators find several thousand children under 16 years of age illegally employed in the fields and orchards during school hours. During fiscal year 1962 investigators found 4,200 minors illegally employed on the 1,302 farms checked. Under the Federal law no child under 16 may work in agriculture during school hours in the district where he lives and works. This provision does not apply to children working on the home farm. It also means that minors of any age may work in the fields before or after school during vacation and special school holidays. They may also work during "crop vacations" or other times when the school in the district where they live and work is closed. 11/

The exploitation of children in agriculture has three major aspects: interference with schooling and normal development, working children beyond the limits of their physical capacity, and acting as a depressant to delay improvements in wages and working conditions for all agricultural workers.

The 16-year minimum age for work in agriculture during school hours provided under the child labor provisions of the Fair Labor Standards Act was aimed at coping with the first of these major aspects. There is no doubt that the impact of this law has done a great deal to help keep children in school. Much still needs to be done. This Federal Act offers no protection to children when harvest vacations are declared. Migrant children suffer more when this happens, of course, than do the local children. 12/

Data collected by the Wage and Hour Division on educational attainment of those children found employed illegally is mute testimony of the need for additional protection for the youngsters working on farms. In 1962, as in previous

years, investigation reports showed that the minors who were illegally employed tended to be educationally retarded. Of the 4,166 children who furnished information the last grade attended, 57 percent were in grades below the normal for their ages. As might be expected, education achievement in relation to age becomes lower as the children increase in age. Thus, at 14 years of age 71 percent of the children employed in violation were enrolled in grades below the normal for their ages, and at age 15 the percentage was 78.

Of the migrants (1,898) found illegally employed, 76 children had never attended school, and 72 percent were in grades below the normal. At 14 years of age the percentage increased to 85, and at age 15, 93 percent were behind in scholastic attainment. These high percentages are even more serious when one considers that the standard of measurement finds ages six and seven normal for the first grade, seven and eight for the second grade and so on. 13/

The migrant's low educational achievement may be related to deficiencies in school attendance laws, crop vacations, inadequate school facilities, and linguistic difficulties. In some States, school attendance laws do not apply to migrant children. The State laws in some States permit school officials to dismiss classes while crops are being harvested. As migratory families follow the crops, they move from place to place.

In some areas there may be a crop vacation and these children consequently have little or no opportunity for schooling. Even where school is in session and migrant children are required to attend, they are at a disadvantage. Authorities often are not aware that the children are in the community and have not enrolled in school. Frequently the school is not physically equipped to handle adequately an influx of students, and school officials hesitate to enlarge their facilities because the migrant's stay is a short duration. When school facilities are good and the community is receptive to migrant children, the children are still at a disadvantage because they need time to adjust to the school environment. By the time they have adjusted, they are on their way to a new location. Another problem confronting many migratory children is their inability to understand English. Investigators found that some of the children who worked did not attend school because no bilingual teacher was available.

The number of young people exposed to this educational disadvantage is serious. A special tabulation made by the U. S. Bureau of the Census shows that in 1961 nearly four million people were employed in farm work. Of these nearly 400,000--about 10 percent--were 10 to 13 years of age. It is not known how many children under age 10 were employed.

This lack of opportunity to get a basic education sufficient to participate effectively in a complex and industrialized society will handicap these children employed in agriculture for the rest of their lives. They will face a lifetime filled largely by unemployment with all its resultant problems.

Generally speaking, rural youth working in agriculture have little protection. A few States provide a minimum age for work outside school hours and some States provide a minimum age during school hours. Hours of work are usually not regulated and, although agricultural work is extremely dangerous, agriculture is the only major industry which has experienced an increase in the death rate since

1951--few States include agricultural coverage under hazardous occupations. Under the Fair Labor Standards Act no hazardous orders covering occupations in agriculture have been issued, since the minimum age requirements apply only during the hours schools are in session. The Sugar Act of 1948 provides that producers of sugar beets and sugar cane who wish to obtain maximum benefit payments may not employ 14 and 15 year old children in harvesting sugar beets or sugar cane more than 8 hours a day.

Historically there are many reasons, social, economic, and traditional, which account for the attitudes both about the need for labor standards in agricultural employment and the difficulties in getting such legislation passed. This year, however, a number of bills were introduced in the Senate which would give agricultural workers some of the protection their brothers in industry now have. Among these bills was S.523 which would provide for children employed in agriculture protections that have been guaranteed to children in industry for the last 25 years.

S.523 has passed the Senate and is before the Rules Committee in the House of Representatives. This legislation establishes a 14 year minimum age for children employed in agriculture outside school hours and a 12 year minimum age for local children. An 18 year minimum age is established for those occupations found and declared particularly hazardous by the Secretary of Labor. None of these provisions will apply to the child working for his parents or a person standing in the place of a parent. In testifying in support of this Bill, the Secretary of Labor urged the early enactment of legislation to protect the migratory farm worker and described how rural children employed on farms are disadvantaged as compared to their urban counterparts.

SCHOOL ATTENDANCE LAWS

While, on the whole, school attendance provisions now set higher standards than ever before, not all States have progressed equally in bringing their laws into line with current educational needs. Most States bringing their laws into line with current educational needs. Most States have a basic attendance law, requiring attendance to age 16. Twenty-two States require that the children finish high school. But three States have repealed their basic attendance laws, and many of the others allow children under 16 to be excused from further attendance for a variety of reasons which sharply limit the effectiveness of the basic law. For example, a number of States permit children of 14 who have finished the eighth grade to leave school for a job.

A common exception is that children of 14 who have completed the eighth grade may leave school to enter employment. One effect of this exemption is to remove from school the child who is below grade level. Or, to put it another way, it releases the community from further responsibility in educating a child whose needs have not been met by the existing school system.

Other situations in which an exception may be made from the basic school attendance laws include:

- . The child's services are needed to support themselves or their families.
- . Children of more than one race are enrolled in the school.

- . The child's interests would suffer if it were compelled to attend.
- . The child lives more than two miles from the schoolhouse by the nearest traveled road. (Usually this exemption applies only if free transportation is not furnished.)
- . The child's conduct is disruptive of school order and discipline and the instructional effectiveness of the schools.
- . The child is exempted by a judge of a juvenile court.

Increasingly, attempts are being made to reduce the number and scope of such exceptions, or eliminating them altogether. There is still need, however, for further progress.

Some States permit school officials to dismiss classes while crops are being harvested. Most school laws today also provide for a certain number of days of attendance, so that any crop vacations or harvest recesses must be made up. Local school officials, however, in many places arrange school hours so that children can harvest the crop without violating the attendance-day provisions. The children in one State operating on this principle picked berries in the morning and went to school in the afternoon. They were reported to be too tired to work effectively in school. The same was true of children in another State who started school at 7 a.m. so as to have their afternoons free to pick cotton. A minor who worked a split shift on a dairy farm from 3 to 8 a.m. and from 4 to 7 p.m. every day could not attend school because he had to sleep during school hours.

CHILDREN OF MIGRATORY AGRICULTURAL WORKERS--A SPECIAL PROBLEM

Approximately one million men, women, and children are involved in the Nation's migratory farm labor system. Excluded from most of the great social and economic legislation which protects the vast majority of the Nation's wage earners, forced to compete with hundreds of thousands of foreign workers, bereft of training and education in anything other than agriculture, migratory farmworkers are truly the Nation's excluded Americans.

Together, domestic migrant farmworkers comprise a depressed class of agricultural wage earners--a group which for many years has remained outside the broad scope of public concern or policy. Most are members of minority groups--Negro, Mexican-American, Puerto Rican, and American Indian. Many are former sharecroppers, tenants, marginal farmers, or regularly hired laborers who have been replaced either by machines or foreign labor. They migrate because there are not enough jobs in their home communities to sustain them or because local wages are too low to provide for the necessities of life.

Migratory workers numbered 395,000 in 1961--a lower estimate than for any year since 1954. They averaged \$902 in farm wages that year. According to a 1961 Agricultural Economic Report (No. 36), 35,000 migratory agricultural households with children 10-13 years old reported 49,000 children in this age group performed farm wage work.

LEGISLATION

An impressive breakthrough in the field of legislation dealing with migratory farmworkers was achieved during the 87th Congress. The passage of the Migrant Health Act (P. L. 87-692) marks the first success such legislation has gained in the past 30 years. It will help alleviate the immediate and critical health problems of the migrants, especially in the area of immunization and preventive medicine. In addition, it will protect rural communities, their doctors, and hospitals from the frequent financial burden imposed on them by migrants unable to pay their medical bills.

This Health Act authorizes up to three million dollars annually in Federal grants to stimulate and support local health programs in areas seriously affected by the seasonal impact of migratory farm families. The Surgeon General of the Public Health Service will provide grants to public and private, nonprofit agencies to pay part of the cost of establishing and operating family health clinics and to aid special projects to improve health services and health conditions among migrants. The Surgeon General would also be authorized to cooperate with interstate health improvement programs for migratory farm families.

In the 88th Congress, Senator Harrison A. Williams, Jr. (New Jersey), has introduced several bills to alleviate the problems of migratory farmworkers and their families. Of special interest are three bills: S.521, which is designed to provide the States with financial assistance to improve the educational opportunities of migrant workers and their children; S.522, which is designed to establish day-care services for children of migratory farm workers, and would authorize \$750,000 for matching grants to States to establish and operate day-care centers for migrant children; and S.523, which is designed to regulate the employment of children in agriculture. Under existing Federal laws, the employment of children in agriculture remains unregulated when school is not in session. This measure would close this gap.

Specifically, the child labor bill will permit a child to work in agriculture outside of school hours if he is 14 years of age or over; or if he is between 12 and 14 years of age and commutes daily from his permanent residence and has the written consent of his parent, or if his parent is employed on the same farm. The bill, does not, however, restrict the employment of children working for their parents on a home farm. Under the bill, the Secretary of Labor is authorized to issue regulations barring children below age 18 from working on particularly hazardous farm operations. 14/

In his testimony supporting the migratory farm labor legislation, Secretary of Labor Wirtz said: "Every study we have been able to make of the migratory worker shows that perhaps the most serious long-range impact of the situation is that the children are badly undereducated. They are retarded, educationally. They just do not get a chance. And the prospect which lies ahead, as far as this group is concerned, is an appalling one, not only from their standpoint, but from the standpoint of the economy and society as a whole."

LOOKING AHEAD

Extension to rural children of the protection which is now afforded to urban children will do much to help them to take advantage of the opportunities for education and self-development which urban children now have. To this extent, a serious injustice will have been removed, which has had a depressing effect on the educational preparation and training of the Nation's work force.

However great the need for this extension is, and however long overdue, it will be only one step on the road toward achieving better preparation of youth. Beyond this, every community in the Nation will need to take a hard look at its educational resources, in order to see how they can be used to achieve better preparation of youth. Better preparation is needed at every level in order to meet the challenge of the technological revolution. Youngsters will have to have a sounder basic education because even the most routine jobs will be more complex than those generally occupied by youth today, and because the training for a much increased supply of professional and technical workers demands a better foundation in basic skills.

These educational resources will need support from a wide variety of improved services to cope with problems of adjustment and motivation which hamper educational achievement. Community action will be needed on a broad scale, aimed at building the strength of these services, and keeping them focused on the constantly changing problems of preparation and training.

Particularly in rural areas will these needs be felt, as it becomes less and less possible to absorb rural youth into agriculture, and more and more necessary to fit them into increasingly demanding occupations.

FOOTNOTES

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3. U. S. Department of Labor, Manpower Challenge of the 1960's. Washington 1961, p. 8.
4. Ibid., p. 11.
5. Ibid., p. 15.
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7. Ibid., p. 17.
8. U. S. Department of Commerce, Bureau of the Census, Census of Population in 1960, PC (1) ID, Table 173.
9. U. S. Department of Commerce, Bureau of the Census, Current Population Survey, P-20, No. 99, Literacy and Educational Attainment, March 1959.
10. U. S. Department of Labor, Monthly Labor Review, May 1963, Table 7, "Educational Attainment of Workers."
11. Wage and Hour and Public Contracts Division, U. S. Department of Labor, Annual Report, 1962.
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14. U. S. Senate Subcommittee on Migratory Labor, Progress Report, January 1963.